

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RAVEN ENTERTAINMENT, LLC, et al.,

Plaintiff(s),

vs.

CHRISTOPHER LOWDEN, et al.,

Defendant(s).

Case No. 2:15-cv-02299-GMN-NJK

ORDER

(Docket No. 23)

Pending before the Court is Plaintiffs' motion to extend the discovery cutoff by 90 days. Docket No. 23. Defendants filed a response in opposition, and Plaintiffs filed a reply. Docket Nos. 25, 26. The undersigned finds the motion properly resolved without oral argument. *See* Local Rule 78-1. For the reasons discussed more fully below, the motion is hereby **GRANTED** in part and **DENIED** in part.

The Court has broad discretion in supervising the pretrial phase of litigation. *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). A motion to extend deadlines in the Court's scheduling order must be supported by a showing of "good cause" for the extension. Local Rule 26-4. The good cause inquiry focuses primarily on the movant's diligence. *See Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000).

The showing of good cause in the underlying motion is questionable. The gist of the motion is that Plaintiffs do not want to conduct third party discovery until a ruling is made on Defendants' pending motion to dismiss. Docket No. 5-6. Problematically for Plaintiffs, they previously sought a stay of discovery or alternatively an extended discovery period on the same basis, and that request was denied.

1 See Docket No. 21.<sup>1</sup> Plaintiffs essentially chose to not heed the Court's directive to conduct all  
2 discovery notwithstanding the pendency of the motion to dismiss, although they did engage in discovery  
3 with Defendants.

4 In the interest of resolving this case on the merits and as a one-time courtesy, the Court will  
5 extend the remaining deadlines by 30 days, as follows:

- 6 • Discovery cutoff: November 28, 2016
- 7 • Dispositive motions: December 28, 2016
- 8 • Joint proposed pretrial order: January 27, 2017

9 Plaintiffs shall conduct all necessary discovery now, regardless of whether the motion to dismiss remains  
10 pending. **THERE WILL BE NO FURTHER EXTENSIONS.**

11 IT IS SO ORDERED.

12 DATED: October 14, 2016

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16 NANCY J. KOPPE  
17 United States Magistrate Judge  
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27 <sup>1</sup> The Court also explicitly provided that, to the extent any party continued to want a stay of discovery  
28 and believed the applicable standards could be met, a proper motion or stipulation had to be filed by June  
8, 2016. *Id.* at 1. Plaintiffs did not seek such an order staying discovery.